

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SECURITIES AND EXCHANGE COMMISSION)
)
Plaintiff,)
)
v.)
)
VLADIMIR OKHOTNIKOV,)
JANE DOE a/k/a LOLA FERRARI,)
MIKAIL SERGEEV,)
SERGEY MASLAKOV,) Case No. 22 C 3978
SAMUEL D. ELLIS,)
MARK F. HAMLIN,) Judge Jorge L. Alonso
SARAH L. THEISSEN,)
CARLOS L. MARTINEZ,)
RONALD R. DEERING,)
CHERI BETH BOWEN, and)
ALISHA R. SHEPPERD,)
)
Defendants.)
)

**PLAINTIFF'S AGREED MOTION FOR ENTRY OF
PARTIAL JUDGMENT BY CONSENT AS TO DEFENDANT CHERI BETH BOWEN**

Plaintiff Securities and Exchange Commission respectfully moves the Court for entry of Partial Judgment by Consent as to Defendant Cheri Beth Bowen (“Bowen”).

In support of this motion, the SEC shows the Court as follows:

1. The SEC filed its Complaint in this matter on August 1, 2022 (Dkt# 1) alleging, among other things, that Defendants violated the registration and antifraud provisions of the federal securities laws – specifically, Section 5 of the Securities Act of 1933 (“Securities Act”), 15 U.S.C. § 77e; Section 17(a) of the Securities Act, 15 U.S.C. § 77q(a); and Section 10(b) and Rule 10b-5 of the Securities Exchange Act of 1934, 15 U.S.C. § 78j(b), 17 C.F.R. § 240.10b-5.

2. The SEC filed prior Agreed Motions on August 2, 2022 (Dkt# 5) and August 10, 2022 (Dkt# 17) seeking entry by consent of a final judgment as to Defendant Samuel D. Ellis (“Ellis”) and partial judgments as to Defendants Sarah L. Theissen (“Theissen”) and Mark F. Hamlin (“Hamlin”). By Minute Entries on August 4, 2022 (Dkt# 8) and August 25, 2022 (Dkt# 24), the Court granted the prior Agreed Motions, and subsequently, on August 8, 2022 and August 25, 2022, the Court entered final judgment against Ellis (Dkt# 16), and partial judgments against Theissen (Dkt# 15) and Hamlin (Dkt# 25).

3. As with the prior Agreed Motions as to Theissen and Hamlin, Bowen also has agreed to a partial settlement of the SEC’s claims. Attached as Exhibit 1 is her signed consent to the proposed partial judgment. This judgment obviates the need to litigate substantive liability on the part of Bowen, and it permanently enjoins her from violating the federal securities laws at issue in the complaint as well as from engaging in certain other activity. The proposed judgment further provides that monetary relief sought by the SEC – in the form of disgorgement, prejudgment interest and a civil penalty – shall be determined by the Court at a later date on the SEC’s motion. We anticipate moving for such monetary relief after the claims against the remaining Defendants are resolved. District courts routinely have entered judgments based on this type of “bifurcated” settlement in SEC enforcement actions, and have adopted the procedures described in the attached consents for the monetary relief portion of the proceedings. *See, e.g., SEC v. Daubenspeck*, 469 F. Supp. 3d 859, 860 (N.D. Ill. 2020); *SEC v. Zenergy Int’l, Inc.*, No. 13-5511, 2016 U.S. Dist. LEXIS 127630, at *2-4 (N.D. Ill. Sept. 20, 2016); *SEC v. Integrity Fin. AZ, LLC*, No. 10-782, 2012 U.S. Dist. LEXIS 6758, at *3-4 (N.D. Ohio Jan. 20, 2012).

4. In the attached consent, Bowen has agreed the SEC “may present the [proposed judgment] to the Court for signature and entry without further notice.” (*See* Ex. 1, at ¶ 16.)

Under Fed. R. Civ. P. 54(b), there is no just reason to delay entry of the proposed judgment, and the SEC submits entry of the judgment will conserve judicial resources and streamline the issues in this litigation. In addition, there is little risk of a piecemeal appeal, as Bowen has waived her right to appeal from the judgment. (*See* Ex. 1, at ¶ 7.)

5. This case will proceed in full as to the remaining Defendants – Vladimir Okhotnikov; Jane Doe a/k/a Lola Ferrari; Mikail Sergeev; Sergey Maslakov; Carlos L. Martinez; Ronald R. Deering; and Alisha R. Shepperd – and is not affected by entry of the proposed judgment.

6. Pursuant to the Court’s Individual Practices, the proposed judgment in Word format is being emailed separately to Chambers.

WHEREFORE, for the reasons cited above, the SEC respectfully requests the Court grant this motion and enter the proposed judgment.

DATED: September 1, 2022 Respectfully submitted,
SECURITIES AND EXCHANGE COMMISSION
By /s/ Patrick R. Costello
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CERTIFICATE OF SERVICE

I certify that on September 1, 2022, I caused to be served the foregoing PLAINTIFF'S AGREED MOTION FOR ENTRY OF PARTIAL JUDGMENT BY CONSENT AS TO DEFENDANT CHERI BETH BOWEN on Defendants at the addresses and by the means set forth on the attached Service List.

/s/ Patrick R. Costello

Patrick R. Costello

Service List

<p>Mark F. Hamlin c/o Ryan Willis, Christian Dysart, James Kurosad Dysart Willis 530 Hillsborough Street, Suite 200 Raleigh, NC 27603 ryan@dysartwillis.com christian@dysartwillis.com james@dysartwillis.com</p>	By electronic mail
<p>Sarah L. Theissen c/o Gregg N. Sofer and Patrick Coffey Husch Blackwell LLP 111 Congress Avenue, Suite 1400 Austin, TX 78701-4093 Gregg.sofe@huschblackwell.com patrick.coffey@huschblackwell.com</p>	By CM/ECF
<p>Carlos L. Martinez c/o Bruce Lewitas Lewitas Hyman 161 N. Clark St., Suite 1600 Chicago, IL 60601 blewitas@securitieslaw.com</p>	By electronic mail
<p>Ronald R. Deering c/o Peter King and Cindy Innocent Guerra King P.A. The Towers at Westshore 1408 N. Westshore Blvd., Suite 1010 Tampa, FL 33607 pking@guerraking.com cinnocent@guerraking.com</p>	By electronic mail
<p>Cheri Beth Bowen c/o Celiza (Lisa) Bragança Bragança Law LLC 5250 Old Orchard Road, Suite 300 Skokie, IL 60077 Lisa@SECDDefenseAttorney.com</p>	By electronic mail
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